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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,833	12/08/2003	Christian Braeuer	R.303598	9281

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EXAMINER

KIM, PAUL D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/728,833

Applicant(s)

BRAEUER ET AL.

Examiner

Paul D. Kim

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 6-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 5 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/22/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This office action is a response to the restriction requirement filed on 3/27/2006.

#### ***Response to the Restriction Requirement***

1. Applicant's election of Group of Linking A, claims 1-3, 5 and 10-12, in the reply filed on 3/27/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 4 and 6-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/27/2006.

#### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: There are no descriptions for the items "34", "36", "37", "38", "39" and "40" as shown in Fig. 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of

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an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Re. Claim 1: The phrase "a travel measuring system" as recited in line 10 is not described in the specification.

Re. Claim 2: The phrase "further comprising monitoring the first defined size (24), characterizing the relative position (21) by means of a travel measuring system during the pressing operation" as recited in lines 1-3 is not described in the specification.

Re. Claim 10: The phrase "during the pressing operation of the magnet armature (1), a press fit (6) of the armature plate (2) on the jacket face of the armature bolt (7) is varied in terms of the relative position (21) of the armature plate (2) on the circumferential face of the armature bolt (7)" as recited in lines 1-4 is not described in the specification.

Re. Claim 11: The phrase "during the pressing operation, the second defined size (27), characterizing the relative position (21) between the armature bolt (7) and the

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armature plate (2), is monitored continuously by means of a measuring feeler (35)" as recited in lines 1-3 is not described in the specification.

### ***Claim Objections***

5. Claims 1-3, 5 and 10-12 are objected to because of the following informalities:

Re. Claim 1: The phrase "the pressing force" as recited in line 7 appears to be – a pressing force--.

The phrase "the measuring feeler" as recited in line 10 appears to be –a measuring feeler--.

The phrase "it" as recited in line 11 is not clear what the "it" is indicated.

Re. Claim 2: The phrase "a travel measuring system" as recited in line 2 appears to be –the travel measuring system--.

Re. Claim 5: The phrase "the calibrated shims" as recited in line 2 appears to be –calibrated shims--.

Also, Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim, or amend the claim to place the claim in proper dependent form, or rewrite the claim in independent form. There is no recitation of calibrated shims in claim 3.

Re. Claim 10: The phrase "the jacket face" as recited in line 2 appears to be –a jacket face--.

The phrase "the circumferential face" as recited in lines 3-4 appears to be --a circumferential face--.

Re. Claim 11: The phrase "a measuring feeler" as recited in line 3 appears to be --the measuring feeler--.

Re. Claim 12: The phrase "the first face end" as recited in line 2 appears to be --a first face end--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 3, 5 and 10-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Re. Claims 1 and 11: The phrase "wherein the pressing force (31) (F) is applied to the preassembled magnet armature assembly (1) until such time as either the first defined size (24) or the second defined size (27) is reached" as recited in lines 7-9 fails to comply with the enablement requirement. It is unclear how the second defined size 27 can be set when the pressing force is applied to the preassembled magnet armature assembly (1). According to the specification in paragraph [0030], the pressing force 31

(F) could equally well engage the second face end 9 of the armature bolt, not the preassembled magnet armature assembly (1), to set the second defined size 27 as shown in Fig. 1.

The phrase “the measuring feeler (35) and a travel measuring system (38) disposed downstream of it” as recited in lines 10-11 fails to comply with the enablement requirement. According to the specification in paragraph [0030] with Fig. 2, the measuring feeler (35) is only disposed downstream or opposite from the pressing force. If the pressing force is applied at the other end face (9), it is unclear where the measuring feeler will be disposed.

In addition, the phrase “wherein during the pressing operation, the second defined size (27), characterizing the relative position (21) between the armature bolt (7) and the armature plate (2), is monitored continuously by means of a measuring feeler (35)” as recited in lines 1-3 of claim 11 fails to comply with the enablement requirement. According to the specification in paragraph [0030] with Fig. 2, the measuring feeler (35) is only disposed downstream or opposite from the pressing force. If the pressing force is applied at the other end face (9), it is unclear where the measuring feeler will be disposed.

Re. Claim 12: The phrase “wherein the pressing force (31) (F) is initiated at the first face end (8) of the armature bolt (7) for adjusting the second defined size (27)” as recited in lines 1-2 fails to comply with the enablement requirement. It is unclear how the second defined size 27 can be set when the pressing force is initiated at the first face end of the armature bolt for adjusting the second defined size. According to the

specification in paragraph [0030], the pressing force 31 (F) could equally well engage the second face end 9 of the armature bolt, not the preassembled magnet armature assembly (1), to set the second defined size 27 as shown in Fig. 1.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comtois et al. (US PAT. 6,404,312) in view of Bissegger et al. (US PAT. 4,941,266).

Comtois et al. teach a process of adjusting a spacing within a magnetic circuit comprising steps of: adjusting a relative position between an armature plate (23) and an armature bolt (21) by a pressing operation, to a first defined size, which is defined between the plate and the circuit, after the armature plate and the armature bolt are assembled to form the magnet armature as shown in Fig. 1, wherein the pressing force is applied to the preassembled magnet armature assembly until the first defined size is reached such as contact the plate to a surface of the circuit (26a) (see also col. 2, line 5 to col. 3, line 11).

However, Comtois et al. silent to use a measuring feeler and travel measuring system. Bissegger et al. teach a process of using a feeler device connected to multi-coordinate measure system (equivalent with the travel measuring system) to measure



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the travel distance when the workpiece is sensed (see col. 1, lines 18-34). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify a process of adjusting a spacing of Comtois et al. by using a measuring feeler and travel measuring system as taught by Bissegger et al. in order to measure the travel distance when the workpiece is sensed.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Comtois et al. in view of Bissegger et al., in view of Ricco (US PAT. 6,152,387).

Comtois et al., modified by Bissegger et al., teach all of the limitations as set forth above except means of calibrated spacers. Ricco teaches a process of using either means of calibrated spacers or shims in order to provide for adjusting the travel of the armature for a precision (col. 3, lines 1-23). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify a process of adjusting a spacing of Comtois et al., modified by Bissegger et al., by using either means of calibrated spacers or shims as taught by Ricco in order to provide for adjusting the travel of the armature for a precision.

#### ***Allowable Subject Matter***

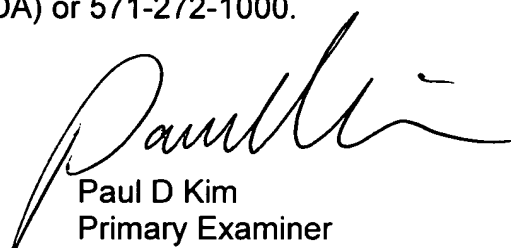
11. Claims 5 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D. Kim whose telephone number is 571-272-4565. The examiner can normally be reached on Monday-Friday between 6:00 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Paul D Kim  
Primary Examiner  
Art Unit 3729